

## REMARKS

By The indication that claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is acknowledged.

By the present amendment, objected to claim 3 has been written in independent form incorporating all of the limitations of parent claim 1 therein, such that applicants submit that claim 3, and any claims dependent thereon should now be in condition for allowance. That is, claim 3 is a generic claim with respect to any claim dependent therefrom, and as recognized previously by the Examiner, upon allowance of a generic claim, applicants are entitled to consideration of additional species which recite features dependent from the generic claim.

Since objected to claim 3 has been written in independent form, while canceling claim 1, and dependent claims 4 and 5, which were under consideration, have been amended to depend directly from claim 3, claims 4 and 5 should also now be in condition for allowance.

As to claims 2 and 6 - 22, which were withdrawn from consideration, claims 2 and 6 - 13 have been canceled without prejudice to right to file a divisional application directed thereto, while claims 14 - 22 have been amended to depend directly or indirectly from independent claim 3, which is a generic claim, and therefore, independent claim 3 and its dependent claims 4, 5 and 15 - 22 should now be in condition for allowance.

Additionally, by the present amendment, a new independent claim 23 has been presented, which corresponds to claim 3, in that it recites the feature of previously dependent claim 3 therein, and substantially recites the entirety of previous claim 1 therein other than the term "vertically" which has been deleted from

the recitation of claim 1. That is, claim 23 recites "the plurality of image forming devices are arranged along a straight portion of an endless intermediate transfer belt", rather than "arranged vertically along" (emphasis added) as previously recited in claim 1. Applicants submit that the addition of claim 23 at this time, does not raise any new issues requiring further search and/or consideration in that, in effect, the features of previously recited claim 1 have been broadened by the elimination of "vertically", such that the previous rejection of claim 1 over the cited art applicable thereto. However, as recognized by the Examiner, the cited art does not disclose or teach the presently recited feature of objected to dependent claim 3, and now independent claim 3, which feature is also set forth in new independent claim 23 of "a some of thickness of the tip end part of the developing device and thickness of the toner storage part in the direction of movement of the intermediate transfer belt or the medium conveyance belt is at most two times a diameter of the photosensitive drum". Thus, claim 23, as presented together with newly added dependent claims 24 - 26, which correspond to the features of dependent claims 4 and 5, and do not raise new issues requiring further search and/or consideration. Additionally, since the total number of claims is less than previously presented in that a greater number of claims have been canceled than the number added, in that claims 1, 2 and 6 - 13 have been canceled and claims 23 - 26 added, applicants submit that claims 23 - 26 should be considered at this time, and found to be allowable, together with independent claim 3 and its dependent claims.

As to the rejection of claims 1 and 4 under 35 USC 103(a) as being unpatentable over Numazu et al (US 5,765,082) in view of Sato (US 2001/0055499) and the rejection of claim 5 under 35 USC 103(a) as being unpatentable over Numazu et al (US 5,765,082) in view of Sato (US 2001/0055499) further in view of

Nishimura et al (US 5,475,478), such rejections are considered to be obviated by the cancellation of claim 1 and the amendment of claims 4 and 5 to depend from objected to claim 3 which has been written in independent form. Accordingly, discussion of the cited art in relation to such claims is considered unnecessary.

In view of the above amendments and remarks, applicants submit that all claims present in this application, i.e., claims 3 - 5 and 15 - 26 should be given consideration and determined to be allowable. Accordingly, issuance of an action of favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 500.43230X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



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Melvin Kraus  
Registration No. 22,466

MK/jla  
(703) 312-6600